

# Exhibit 1

to

Memorandum of Law in Support of Defendant's Motion  
to Dismiss the Indirect Purchaser Plaintiffs' Consolidated  
Amended Class Action Complaint

## EXHIBIT 3

**From:** John Overton [<mailto:John@OvertonSales.com>]  
**Sent:** Monday, July 07, 2014 9:08 AM  
**To:** Kathy Hybsch  
**Subject:** RE: Staples - Retail Buyer Feedback

Hi Kathy,

Post Happy 4<sup>th</sup> to you as well. Believe it or not I've been reaching out to the buyer, (Shelly Scanlan), at every opportunity to see if we can get something going. I'll check in again to see if she has any appointment time to come in and discuss. Unfortunately each time I've asked; I'm being told that Staple's is making an active decision not to carry anything non-KCup branded; (not in those words, but basically telling me that their position hasn't changed).

Sincerely,

*John, Jr.*

John Overton, Jr.  
T: 781-760-2185  
E: [john@overtonsales.com](mailto:john@overtonsales.com)



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**From:** Kathy Hybsch [<mailto:KHybsch@rogersfamilyco.com>]  
**Sent:** Thursday, July 03, 2014 9:09 AM  
**To:** John Overton  
**Cc:** Kathy Hybsch  
**Subject:** RE: Staples - Retail Buyer Feedback

Hi John,  
I hope all is well. Can we revisit this opportunity? Let me know your thoughts. Have a great 4<sup>th</sup>.

Thanks,  
Kathy

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**From:** John Overton [<mailto:John@OvertonSales.com>]  
**Sent:** Monday, October 21, 2013 9:54 AM

**To:** Kathy Hybsch  
**Subject:** RE: Staples - Retail Buyer Feedback

Hello Kathy,

I reached out to our Quill buyer and she is still not willing to take on any new sku's which are not authorized by Staples at this time. I'll continue to press and if you have any new sales or account distribution data that you wish to share, please do and I'll continue to send in the good press to the buyers, (as a do you know what you are missing out on, email)...

Sincerely,

John, Jr.



Cell: 781-760-2185 Fax: 603-218-6397  
Email: [john@overtonsales.com](mailto:john@overtonsales.com)  
Web: [www.overtonsales.com](http://www.overtonsales.com)

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**From:** John Overton [<mailto:John@OvertonSales.com>]  
**Sent:** Monday, October 07, 2013 4:52 PM  
**To:** 'Kathy Hybsch'  
**Subject:** RE: Staples - Retail Buyer Feedback

Hello Kathy,

The last time I reviewed the program with Quill the buyer indicated that she was waiting for what Staples wanted to do. I can reach out again and let you know.

As for Staples, I spoke with Shelly Scanlan who is in charge of the Office Breakroom supply and at this point they are unwilling to take on another single serve coffee sku due to the additional services that Green Mountain is providing, (ie. Providing their customers with the equipment and servicing, etc.).

Sincerely,

John, Jr.



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**From:** Kathy Hybsch [<mailto:KHybsch@rogersfamilyco.com>]

**Sent:** Monday, October 07, 2013 4:38 PM

**To:** John Overton

**Subject:** FW: Staples - Retail Buyer Feedback

Hi John,

We have had a broker approach us regarding Quill. Are you still pursuing this on our behalf. If so, can you let me know the status? Thank very much.

Thanks,  
Kathy

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**From:** Kathy Hybsch

**Sent:** Thursday, June 06, 2013 4:51 PM

**To:** John Overton

**Subject:** Re: Staples - Retail Buyer Feedback

great thanks

Sent from my iPhone

On Jun 6, 2013, at 4:46 PM, "John Overton" <[John@OvertonSales.com](mailto:John@OvertonSales.com)> wrote:

Hi Kathy I've reached out to Shelly Scanlan and the departments that fall below her and I'll let you know what feedback I get. I'm actually meeting with Shelly next week with another vendor. If the opportunity presents itself I'll try to have an update for you by then. If not it may be a couple of weeks.

Sincerely,

John, Jr.

<image001.jpg>

Cell: 781-760-2185 Fax: 603-218-6397

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**From:** Kathy Hybsch [<mailto:KHybsch@rogersfamilyco.com>]

**Sent:** Thursday, June 06, 2013 11:44 AM

**To:** John Overton

**Subject:** RE: Staples - Retail Buyer Feedback

Thanks for the update. When is a good time to follow up again with you?

Kathy

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**From:** John Overton [<mailto:John@OvertonSales.com>]

**Sent:** Thursday, June 06, 2013 8:49 AM

**To:** Kathy Hybsch

**Cc:** Matt Overton

**Subject:** RE: Staples - Retail Buyer Feedback

Good morning Kathy,

I've checked in regularly with Staples and at this point still not movement unfortunately. I'm also well aware of the Roger's winning their defense suit again GM, so my plan will be to share that information and again see if there are any opportunities.

Sincerely,

John, Jr.

<image001.jpg>

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**From:** Kathy Hybsch [<mailto:KHybsch@rogersfamilyco.com>]

**Sent:** Wednesday, June 05, 2013 1:36 PM

**To:** Kathy Hybsch; John Overton

**Subject:** RE: Staples - Retail Buyer Feedback

Hi John,

How are you? I am checking in to see if there is anything new with them? Let me know.

Would they be interested in Private label? Let me know what you think.

Thanks,  
Kathy

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**From:** Kathy Hybsch  
**Sent:** Thursday, April 04, 2013 1:34 PM  
**To:** John Overton  
**Cc:** Kathy Hybsch  
**Subject:** RE: Staples - Retail Buyer Feedback

Thanks very much and I will wait to hear back from you.

Thanks,  
Kathy

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**From:** John Overton [<mailto:John@OvertonSales.com>]  
**Sent:** Thursday, April 04, 2013 1:34 PM  
**To:** Kathy Hybsch  
**Subject:** RE: Staples - Retail Buyer Feedback

Quill is making their decisions based off of the Contract Buyer, so it really will depend on what the contract Buyer merchant decides to do. I'll check in with her again and let you know if they have had any opportunity to bring in competitive items. The last discussion I had with them was that they were locked in tight with GM who was doing a lot of servicing for the coffee programs, (with equipment and supplies, etc). I'll check in and let you know.

Sincerely,

John, Jr.  
<image001.jpg>  
Cell: 781-760-2185 Fax: 603-218-6397  
Email: [john@overtonsales.com](mailto:john@overtonsales.com)  
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**From:** Kathy Hybsch [<mailto:KHybsch@rogersfamilyco.com>]  
**Sent:** Thursday, April 04, 2013 1:23 PM  
**To:** John Overton  
**Cc:** Kathy Hybsch  
**Subject:** RE: Staples - Retail Buyer Feedback

Does that include Quill? I agree that we should move past the retail side. Seems to be too much of a conflict. The 36 ct. would be perfect for these other segments.

Thanks,  
Kathy

---

**From:** John Overton [<mailto:John@OvertonSales.com>]  
**Sent:** Thursday, April 04, 2013 1:09 PM  
**To:** Kathy Hybsch  
**Subject:** RE: Staples - Retail Buyer Feedback

Hello Kathy,

I've put some messages into the Retail Buyer but haven't had much interest due to their contractual agreements with GM. I'll check in again with the buyer merchant for small business delivery and contract.

Sincerely,

John, Jr.

<image001.jpg>

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**From:** Kathy Hybsch [<mailto:KHybsch@rogersfamilyco.com>]

**Sent:** Thursday, April 04, 2013 1:02 PM

**To:** John Overton

**Subject:** FW: Staples - Retail Buyer Feedback

Hi John,

Any opportunity with Staples? Perhaps our 36ct.? Let me know your thoughts.

Thanks,

Kathy

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**From:** Kathy Hybsch

**Sent:** Monday, March 04, 2013 9:24 AM

**To:** John Overton

**Cc:** Kathy Hybsch

**Subject:** FW: Staples - Retail Buyer Feedback

Hi John,

How are you? I am checking in to see if there is an opportunity here. Let me know when you have a chance.

Thanks,

Kathy

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**From:** Kathy Hybsch

**Sent:** Thursday, November 08, 2012 6:33 PM

**To:** John Overton

**Subject:** RE: Staples - Retail Buyer Feedback

Hi John,

Thanks for the update. There are no sanitation issues since the brewer temperature is hot enough to nullify everything. I hate to say it but the kcups are somewhat stale to begin with due to the packaging



process. Not sure how to tell him that nicely. I can send him more samples. Let me know if and when you can get an appt.

Kathy

---

**From:** John Overton [[John@OvertonSales.com](mailto:John@OvertonSales.com)]  
**Sent:** Thursday, November 08, 2012 11:54 AM  
**To:** Kathy Hybsch  
**Cc:** Matt Overton  
**Subject:** Staples - Retail Buyer Feedback

Kathy,

I spoke with Dave LeClair, Staples Buyer Merchant for the Retail, (Bricks & Mortar). He indicated that he sampled the One-Cup, (breakfast blend), and found the coffee to be enjoyable. He did express concern regarding the shelf life of product, (where it isn't in an air-tight container). He was also concerned regarding the sanitation, as the item would be in a small office setting and you could theoretically have multiple people touching the individual one-cups when selecting their coffee. Although that would be the same issue for any K-Cup item, but he felt that our packaging was more porous and may deter product purchase.

I emphasized the quality of the One-Cup coffee and the reduced waste with the packaging, and he agreed that those are strong product benefits. The other major hurdle is that they, (Staple's), haven't come to a decision internally on what they are going to do with the single serve coffee program. They are debating internally as to sticking with just GM or bringing in multiple suppliers. Until that is resolved he has asked that I continue to check in with him; which I will do so regularly. I also suggested that he let one of our One-Cups sit out for a couple of weeks and taste the product again, as I emphasized that our quality is far superior than GM's and that even a 2 week old coffee from us would taste better than their K-Cup.

If you have any additional feedback as to his sanitary concerns, (whether they are real or just the same as with the k-cups), then please share that information and I will include it with my follow up to Dave. Also if you have any additional growth and positive news regarding the One-Cup, please share that as well as any additional growth furthers our position on the quality and acceptance of the product.

Sincerely,

John, Jr.

<image001.jpg>

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